WP(C) 768/2001
BEFORE

THE HON'BLE MR. JUSTICE RANJAN GOGOI

JUDGMENT AND ORDER
(Oral)

The petitioner is a Professor of Sociology in the Dibrugarh University. He claims to be interested in works of art and culture. According to the petitioner, in the Puja Special Edition of the newspaper Doinik Janambhumi of the year 1998 there appeared a story under the title Biprolombha . After reading the story, the petitioner thought the same to be an appropriate subject matter for production of a tele-film. According to the petitioner, on the advice of the Respondent No.4, the Director of Doordarshan Kendra at Dibrugarh, he converted the story published in the newspaper in the form of a screenplay and placed the same before the said Respondent. The petitioner claims that the Director of the Doordarshan Kendra, Dibrugarh was satisfied with the screenplay and assured the petitioner that if a film is prepared on the basis thereof, the same would be accepted for telecasting. Thereafter, according to the petitioner, he had engaged a Director, Assistant Director, Cameraman etc. and produced a videoversion of the story giving it the title Suwaranit Dhusarita Khyon . The petitioner claims that he had made a substantial investment in producing the film. According to the petitioner, the film was exhibited before the Director, who agreed that the same would be telecast on 03.07.2000 at 1810 hours for a duration of about 40 (forty) minutes. A fee of Rs.24,000/- to be paid to the petitioner was also agreed upon. According to the petitioner, a letter dated 25.5.2000 was addressed to the petitioner by the Director of the Doordarshan Kendra, Dibrugarh to the above effect, which has been enclosed as Annexure-B to the writ petition. The petitioner has further stated in the writ petition filed that on receipt of the letter dated 25.5.2000, the petitioner had circulated the date and time of the proposed telecasting of the film produced by him through the newspapers. However, according to the petitioner, on 3.7.2000, the film was not telecast and he subsequently could come to know that one Nandini Sarma, who has been impleaded as the Respondent No.5 in the writ petition, had raised objections before the Director stating that the story involved in the tele-film revolves around her personal life and that the same was not a true story of the writer. In these circumstances, the petitioner received several letters from the Director of the Doordarshan Kendra, Dibrugarh informing him that the telecasting of the film in question has been postponed until appropriate clarifications are received and that the petitioner would be informed of the final decision of the authority. All such communications received by the petitioner have been brought on the record of the writ petition by enclosing the same to the pleadings made in the writ petition. The petitioner specifically has placed before the Court a communication dated 17.11.2000 received by him from the Director of the Doordarshan Kendra requesting the petitioner to submit an affidavit of the Respondent No.6 (author of the story) to the effect that the story on the basis of which the film was made was a work of fiction and based on the imagination of the author and not on the true life-story of any individual. According to the petitioner, the Respondent No.6 had made available an affidavit to the above effect to the petitioner which was promptly filed by him before the Doordarshan authority, who, notwithstanding the same, has not taken any final decision in the matter. Hence the writ petition.

2. The Respondent No.4, Director of Doordarshan Kendra, Dibrugarh has filed an affidavit in the case. According to the Respondent No.4, the petitioner had approached the said Respondent with the story published in the newspaper and on the basis of the narrations made by the petitioner, the Director made an endorsement on the body of the file that the story placed before him would be appropriate for making a tele-film to be telecast by the Doordarshan. The preparation of a screenplay and the video recording of the tele-film, as claimed by the petiti

oner, have been denied by the Director. The Director, in the affidavit filed, has further stated that the production of the tele-film was an in-house effort and the Director, Assistant Director and other technical and non-technical persons associated with the film were all staff members of the Doordarshan Kendra, Dibrugarh. No remuneration, as claimed by the petitioner, was paid to the aforesaid artistes. However, in the affidavit filed, the Director has admitted that the petitioner was promised a sum of Rs.7,000/- on account of the story and for his efforts in connection with the making of the tele-film. Furthermore, according to the Director, though the tele-film was to be telecast on 3.7.2000, the editing work of the film was not complete and, therefore, in the normal course, telecasting of the film could not take place. While the editing of the film was going on, a complaint was received from the Respondent No.5 that the story involved in the tele-film revolves around her personal life and that the same was not a true story of the writer. Therefore, in the fitness of things, the Director thought it proper to make a detailed enquiry in the matter before telecasting the film in question. In the affidavit filed, the Director has further stated that the Doordarhan Kendra is a State owned Television Channel and it cannot be unmindful of the sentiments of individuals while telecasting its different programmes. The Director in the affidavit filed has specifically denied that he had received any affidavit of the author of the story, i.e., Respondent No.6 from the petitioner, as claimed in the writ petition.

3. The writ petition before this Court was filed on 8.2.2001 and more than 6(six)years have elapsed since the institution of the writ petition. However, the petitioner is not responsible for the aforesaid delay and is entitled to have his case considered on a date immediately following the date of filing of the writ petition.

4. In the present case, admittedly, the tele-film prepared by the petitioner was not telecast due to a complaint filed by the Respondent No.5, details of which have already been noted. If a tele-film is projected on the personal life of an individual, such an individual would have every right to protest against any proposed move to telecast the film as such action has the potential of making the private life of an individual a matter of public knowledge. Therefore, if the Doordarshan authorities had taken a decision, on the basis of the complaint of the Respondent No.5, that pending verification of the claim of the Respondent No.5 that the story on which the film was created was not a work of fiction but was based on the personal life of an individual, such action cannot be faulted with. A public body like the Doordarshan is expected to protect the private life of an individual from being made public through its programmes.

5. However, the petitioner denies the aforesaid fact and contends that the story on the basis of which the film was made was not based on the life of any individual much less the life of the Respondent No.5 but the same is a story based on the imagination of the author, i.e., Respondent No.6. The process of verification of the objection raised by the Respondent No.5 appears to have embarked upon by the Doordarshan authority. Though in the writ petition filed no interim order was passed, the Doordarshan Authorities decided not to proceed in the matter, perhaps, out of deference to the pendency of the writ petition. In this regard the affidavit of the Respondent No.6, the author of the work, as available on record must also be taken note of. The author, i.e., the Respondent No.6, who claims himself to be a Lecturer of Sociology under the Dibrugarh University, has categorically stated in the affidavit filed that the story published in the newspaper, on the basis of which the film was made, is a work of imagination and the co-incidence, if any, with any real life story of an individual is an accident. Though the Doordarshan Authorities deny receipt of the aforesaid affidavit, such denial would hardly pose a problem, as the authorities of Doordarshan can still take the affidavit of the Respondent No.6 into consideration and decide the matter.

6. In the above circumstances, notwithstanding the efflux of considerable time, the Court is of the view that the writ petition should be closed with the direction to the authorities of the Doordarshan Kendra, Dibrugarh to decide as to whether the story on which the film was made is based on the life of the Respondent No.5 or is a work of fiction and thereafter, if technically feasible and if so desired, Doordarshan may telecast the film as per its schedule/calendar .As much time has elapsed, the Doordarshan authorities will be expected to take its decision in the matter, in terms of the present directions, as expeditiously as possible.

7. Writ Petition, consequently, is closed in terms of the above directions.